IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12442 of 2005

Between:

1 Pallela Ramarao S/o late Appanna
R/o Vommavaram Village, S. Rayavaram Mandal Visakhapatnam District
2 Mrs. Anterveni Nagamma W/o late Ramulu
R/o Vommavaram Village, S. Rayavaram Mandal Visakhapatnam District
3 The Superintending Engineer, Rural Water Scheme (RWS), Visakhapatnam.
4 Sammangi Manikyam W/o Nagaraju
R/o Vommavaram Village, S. Rayavaram Mandal Visakhapatnam District

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam
2 The Mandal Revenue Officer, S. Rayavaram Mandal, S. Rayavaram Post Visakhapatnam district
3 The Sarpanch, Thimmapuram Gram Panchayat, S. Rayavaram Mandal, Visakhapatnam district
4 The Sarpanch, Thimmapuram Gram Panchayat, S. Rayvaram Mandal, Visakhapatnam district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction in the nature, of mandamus declaring the inaction of the 1st respondent in not passing any orders on the representation of the petitioner dated 24-5-2005 and the legal notice dated 27-5-2005 as regards digging of a bore-well to a depth of 100 ft. under Rural Water Scheme near Mango Garden on the Jami Canal Surrounding Gokulapadu Bheemavaram and somudevupaly of S. Rayavaram Madnal Visakhapatnam District as being illegal, unjust arbitrary and violative of Articles 14 of the constitution of India and the provisions of Water Trees Act of 2002 and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO
Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the inaction of the first respondent in not passing any orders on the representations of the petitioners dated 24.5.2005 and the legal notice dated 27.5.2005 as regards digging of a bore-well to a depth of 100 ft. under Rural Water Scheme near Mango Garden on the Jami Canal Surrounding Gokulapadu Bheemavaram and Samudevupally of S.Rayavaram Mandal, Visakahaptanam District, as illegal, arbitrary and violative of Article 14 of the Constitution of India and the provisions of Water Trees Act of 2002.

The learned counsel appearing for the petitioners submits that the petitioners are small and marginal formers. They are depending upon the rainwater and are cultivating dry land by digging bore-wells to a depth of 50ft. While so, at the behest of the 4th respondent, who is the Sarpanch of Thimmapuram Gram Panchayat, the third respondent has deputed his men on 24.5.2005 to dig a bore-well for a depth of nearly 100 ft at the Mango Garden near Jami Canal under Rural Water Scheme. Petitioners and other Villagers have protested the action and they sent representations on 24.5.2005 to all the respondents explaining their difficulty. But no action has been taken so far on the representation filed by the petitioners. Hence, the present Writ Petition.

Considering the facts and circumstances, without going into the merits of the case, I deem it appropriate to direct the respondents to dispose of the representation

of the petitioners dated 24.5.2005, within a period of four weeks from the date of receipt of a copy of this order after affording an opportunity to the petitioners, in accordance with law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

DATED: 14/06/2005

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To

1 The District Collector, Visakhapatnam
2 The Mandal Revenue Officer, S. Rayavaram Mandal, S. Rayavaram Post Visakhapatnam district
3 The Sarpanch, Thimmapuram Gram Panchayat, S. Rayavaram Mandal, Visakhapatnam district
4 The Sarpanch, Thimmapuram Gram Panchayat, S. Rayvaram Mandal, Visakhapatnam district

5. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.